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Application No. 10/073,446
Response Under 37 C.F.R. § 1.116
Expedited Procedure
Notice of Appeal Dated November 11, 2003
In Reply to USPTO Office Action Dated August 11, 2003
Confirmation No. 4487
Attorney Docket No. 3139-011867

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/073,446
Applicant : Andrew R. Jamieson
Filed : February 11, 2002
Title : **“Strawberry Variety Named ‘Cabot’”**
Group Art Unit : 1661
Examiner : Michelle R. Kizilkaya

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

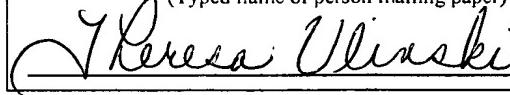
Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 11, 2003 of the Primary Examiner finally rejecting claim 1. A supporting Appeal Brief will be filed in due course.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on November 11, 2003.

Theresa Ulinski

(Typed name of person mailing paper)

 11/11/2003

11/19/2003 AWONDAF1 00000133 10073446

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Application No. 10/073,446
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Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$330.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By Patricia A. Olosky
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Attorney's Docket No. 3139-011867**NOTICE OF APPEAL TRANSMITTAL LETTER**

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Serial No.: 10/073,446
Examiner: Michelle R. Kizilkaya
Invention: "Strawberry Variety Named 'Cabot'"

Filing Date: February 11, 2002
Group Art Unit: 1661

Transmitted herewith is an Amendment in the above-identified application.

- Small Entity Status is/has been asserted for this application under 37 CFR 1.27.
 A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.
 No additional fee is required.
 The fee has been calculated as shown below:

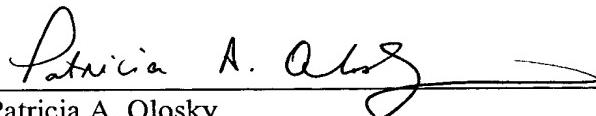
| No of Claims After Amendment | Highest No. Previously Paid For | Present Extra | Small Entity Rate | Non-Small Entity Rate | Charge |
|--|---------------------------------------|------------------|-------------------------|-----------------------------|--------|
| Total <u>1</u> | <u>20</u> | <u>0</u> | x \$ 9.00 | x \$ 18.00 | \$ N/A |
| Indep. <u>1</u> | <u>3</u> | <u>0</u> | x \$ 42.00 | x \$ 84.00 | \$ N/A |
| First Presentation of Multiple Dependent Claim/s | | | | | |
| TOTAL ADDITIONAL FEE | | | | | |
| \$ N/A | | | | | |

- A check in the amount of \$330.00 is enclosed to cover the filing fee for the Appeal Brief.
 A check in the amount of \$ _____ is enclosed for a one-month Petition for Extension of Time.
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
 Any additional filing fees required under 37 CFR 1.16.
 Any patent application processing fees under 37 CFR 1.17.

November 11, 2003

Date

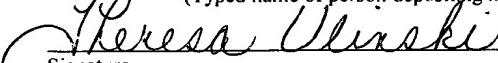
By


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Theresa Ulinski

(Typed name of person depositing mail)


Signature

11/11/2003
Date